

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**TAMMIE BOYCE,**

**Plaintiff,**

**v.**

**1:06-cv-813-WSD**

**FRIEDMAN & WEXLER, L.L.C.,**

**Defendant.**

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**OPINION AND ORDER**

This matter is before the Court on Plaintiff's Motion for Entry of Default and Default Judgment Against Defendant Friedman & Wexler, LLC A/K/A Wexler & Wexler [4]. The Court conducted a hearing on August 31, 2006, pursuant to Federal Rule of Civil Procedure 55(b), at which it received evidence to determine whether, and in what amount, damages should be awarded. Having considered the evidence presented, the Court determined, based upon the preponderance of the evidence, that the following damages, attorney's fees and costs should be awarded in this action:

1. Statutory Damages: Plaintiff is entitled to statutory damages in the amount of \$1,000. Such amount is

warranted by the nature of the violation alleged to have been committed by the Defendant and the manner of the violation.

2. Actual damages: Plaintiff established lost wages for time she took off from work, without pay, to respond to Defendant's demands, and to evaluate recourse available to her for the Fair Debt Collection Practices violations she alleged. She has claimed \$1,000 as actual damages for her lost wages. This amount is reasonable.

3. Attorney fees: Counsel for Plaintiff submitted an itemization of the services she provided in representing Plaintiff in this matter. The nature of the services described and the time incurred to perform them is reasonable. In the absence of evidence presented by the Plaintiff of the customary hourly rate charged for legal services of the kind performed, the Court determines, based upon its knowledge of reasonable rates in this

market for these kind of legal services, that reasonable


attorney's fees for the services performed in this matter is  
\$1,700.

4. Costs: Costs incurred in connection with the litigation  
are allowed in the amount of \$327.80.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Entry of Default  
and Default Judgment Against Defendant Friedman & Wexler, LLC A/K/A Wexler  
& Wexler [4] is **GRANTED** and the Clerk of Court is **DIRECTED** to enter  
judgment for Plaintiff in the amount of \$4,027.80.

**SO ORDERED** this 31st day of August, 2006.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE